

CITY OF ST. CLOUD CITY COUNCIL PROCEEDINGS
Monday, December 16, 2019
6:00 PM
City Council Chambers

1. **PLEDGE OF ALLEGIANCE**
2. **MOMENT OF SILENCE FOR OUR MEN AND WOMEN SERVING IN THE ARMED FORCES**
3. **ROLL CALL: COUNCILMEMBERS PRESENT:** Mike Conway, Jeff Goerger, Steve Laraway, Dave Masters, Carol Lewis, George Hontos
COUNCILMEMBER ABSENT: Paul Brandmire

CONSENT AGENDA:

4. **APPROVAL OF THE AGENDA**
ACTION TAKEN: LARAWAY/LEWIS/APPROVED 6-0
5. **APPROVAL OF THE MINUTES FROM THE REGULAR COUNCIL MEETINGS HELD NOVEMBER 18, 2019 AND DECEMBER 2, 2019**
ACTION TAKEN: LARAWAY/LEWIS/APPROVED 6-0
6. **RESOLUTION AUTHORIZING CHARITABLE GAMBLING PREMISES PERMIT FOR THE ST. CLOUD OPTIMIST CLUB TO CONDUCT EVENTS AT SEARLES ON FIFTH AVE.**
ACTION TAKEN: LARAWAY/LEWIS/APPROVED 6-0
RESOLUTION ADOPTED AND ASSIGNED 2019-12-189
7. **RESOLUTION ACCEPTING A GRANT FUNDED BY THE US/DOT NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA) THROUGH THE DEPARTMENT OF PUBLIC SAFETY'S OFFICE OF TRAFFIC SAFETY (OTS) FOR A PROJECT ENTITLED "DWI ENFORCEMENT OFFICER" DURING THE PERIOD OF JANUARY 1, 2020 THROUGH SEPTEMBER 30, 2020.**
ACTION TAKEN: LARAWAY/LEWIS/APPROVED 6-0
RESOLUTION ADOPTED AND ASSIGNED 2019-12-190
8. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A LABOR AGREEMENT WITH LAW ENFORCEMENT LABOR SERVICES (LELS), LOCAL 448, FIRE CAPTAINS**
ACTION TAKEN: LARAWAY/LEWIS/APPROVED 6-0
RESOLUTION ADOPTED AND ASSIGNED 2019-12-191
9. **RESOLUTION AUTHROZIGN THE MAYOR AND CITY CLERK TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE CITY OF SARTELL FOR LEGAL SERVICES IN 2020**
ACTION TAKEN: LARAWAY/LEWIS/APPROVED 6-0
RESOLUTION ADOPTED AND ASSIGNED 2019-12-192

10. **RESOLUTIONS ADOPTING THE STIPULATIONS BETWEEN THE CITY OF ST. CLOUD AND VARIOUS LIQUOR LICENSE ESTABLISHMENTS REGARDING INTOXICATING LIQUOR LICENSE VIOLATIONS OF SECTION 810 OF THE ST. CLOUD CODE OF ORDINANCES AND CHAPTER 340A.503 OF MINNESOTA STATUTES**
 ACTION TAKEN: LARAWAY/LEWIS/APPROVED 6-0
 RESOLUTIONS ADOPTED AND ASSIGNED 2019-12-193, 2019-12-194, 2019-12-195, 2109-12-196, 2019-12-197
11. **SET A PUBLIC HEARINGS AMENDING SECTION 580 OF THE 2007 CODE OF ORDINANCES ENTITLED "PARKING FEES"**
 ACTION TAKEN: LARAWAY/LEWIS/APPROVED 6-0
12. **SET A PUBLIC HEARING AMENDING SECTION 576 OF THE 2009 CODE OF ORDINANCES ENTITLED "STREET LIGHT UTILITY"**
 ACTION TAKEN: LARAWAY/LEWIS/APPROVED 6-0
13. **OAK HILL COMMUNITY SCHOOL SIDEWALK/BICYCLE TRAIL FACILITIES:**
 - A. **RESOLUTION OF SPONSORSHIP FOR OAK HILL COMMUNITY SCHOOL AREA SIDEWALK/BICYCLES FACILITIES**
 ACTION TAKEN: LARAWAY/LEWIS/APPROVED 6-0
 RESOLUTION ADOPTED AND ASSIGNED 2019-12-198
 - B. **RESOLUTION**
 ACTION TAKEN: LARAWAY/LEWIS/APPROVED 6-0
 RESOLUTION ADOPTED AND ASSIGNED 2019-12-199
14. **FINAL PLAT AND SUBDIVISION AGREEMENT FOR STONE GATE CENTER 3RD ADDITION**
 ACTION TAKEN: LARAWAY/LEWIS/APPROVED 6-0
15. **RESOLUTION AMENDING THE O'HARA'S PLANNED UNIT DEVELOPMENT GENERAL DEVELOPMENT PLAN TO ALLOW A GROCERY STORE ON THE MAIN FLOOR OF 3306, 3308, 3310, 3312, 3316, AND 3320 3RD STREET NORTH**
 ACTION TAKEN: LARAWAY/LEWIS/APPROVED 6-0
 PUBLIC HEARING SET FOR JANUARY 6, 2020
16. **ORDINANCE REZONING 1700, 1712, AND 1718 7TH AVENUE SOUTH FROM R2, SINGLE AND TWO-FAMILY RESIDENTIAL, TO PUD, PLANNED UNIT DEVELOPMENT TO CREATE CONSISTENT ZONING ACROSS THREE NEWLY PLATTED PARCELS**
 ACTION TAKEN: LARAWAY/LEWIS/APPROVED 6-0
 PUBLIC HEARING SET FOR JANUARY 6, 2020
17. **RESOLUTION AUTHORIZING MAYOR AND CITY CLERK TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH STANTEC FOR BUILDING DEMOLITION AND ABATEMENT OF FORMER TECH HIGH SCHOOL**
 ACTION TAKEN: MASTERS/LEWIS/APPROVED 5-1 WITH HONTOS OPPOSED
 RESOLUTION ADOPTED AND ASSIGNED 2019-12-200

Councilmember Masters pulled item for further discussion. It was moved by Councilmember Masters, seconded by Councilmember Lewis to approve. Councilmember Masters requested City Development Director Matt Glaesman to clarify the extent of the demolition. Mayor Kleis commented that the piece before Council today is the request for demolition bids for areas needed for parking and costs and estimates beyond what is necessary for parking. Glaesman commented that the base bid will include the demotion of the southern two buildings and the abatement of asbestos in the 1917 and 1938 buildings. Bid alternative for the demolition and abatement for the athletic building. Industrial arts building will not be demolished. Councilmember Hontos concerned about how the project is being presented to Council. Currently the city has \$1.3 million in a project even before a building has been torn down. He does not understand the project and would like more information on what the plan is prior to approving. Would like the entire vision for the project. Will not support until vision provided. Councilmember Lewis requested clarification that this is for actual demolition and abatement. Glaesman confirmed. Councilmember Masters requested additional information be provided at the retreat after bids are provided. Mayor Kleis commented that once the city receives the bids the Council will have an opportunity to determine how to move forward. Until we know demolition bid, we cannot determine what the best cost for renovation and mechanical might be. City Hall will be moving, that will not change. Councilmember Conway inquired on if any of the initial costs are spent. Mayor Kleis confirmed the city has spent only what has been necessary to achieve each stage. Councilmember Laraway commented that this is a necessary step in the transition of City Hall. Councilmember Hontos clarified that he didn't state the city spent the money, rather than the council authorized the spending of the money. He would like to see the big picture before approving and would like administration to bring council and taxpayers in the loop a bit more. Mayor Kleis commented that for administration to provide council an accurate picture, these steps are necessary. This is a process to get the big picture. No further discussion. Motion passed 5-1 with Councilmember Hontos opposed. Resolution adopted and assigned 2019-12-200.

PUBLIC HEARINGS:

18. RESOLUTION ADOPTING 2020 BUDGETS FOR ENTERPRISE FUNDS

ACTION TAKEN: MASTERS/LEWIS/APPROVED 6-0
RESOLUTION ADOPTED AND ASSIGNED 2019-12-201

Mayor Kleis initially provided a recap of the 2019 LivCom Awards in Italy. The City was awarded four awards. Mayor Kleis then introduced and discussed 2020 Enterprise Funds.

Council President Goerger opened the Public Hearing.

Jason Hemphill, 1235 Mill Creek Cir, St. Cloud – Provided congratulations on awards Commented on Enterprise Funds and appreciates the City's work on this budget. Commented on the microphones at City Council meetings. People need to be able to hear meetings online or via television.

Council President Goerger closed. It was moved by Councilmember Masters, seconded by Councilmember Lewis to approve. No further discussion. Motion unanimously passed. Resolution adopted and assigned 2019-12-201.

19. CONSIDERATION OF REPEALING OR AMENDING SECTION 817 OF THE 2007 CODE OF ORDINANCES FOR THE CITY OF ST CLOUD ENTITLED – PERMIT TO POSSESS KEGS REQUIRED

ACTION TAKEN: HONTOS/MASTERS/APPROVED 5-1 WITH CONWAY OPPOSED
ORDINANCE ADOPTED AND ASSIGNED 2802

City Clerk Seth Kauffman introduced item. Brought before Council per Councilmember Conway's discussion at previous meeting. Two options before Council – redefining the meaning of “keg” to coincide with state statute or a full repeal of the ordinance.

Council President Goerger opened the Public Hearing

Mary Mathews, 315 3rd Ave S, St. Cloud – commented that the keg ordinance because of a partnership with St. Cloud State University. Suggested only to redefine the meaning of “keg.” Not necessary to repeal.

Council President Goerger closed the Public Hearing. It was moved by Councilmember Conway to pass Option 2 – repeal of the ordinance. Motion died for lack of a second.

It was moved by Councilmember Hontos, seconded by Councilmember Masters to adopt Option 1 – redefine the meaning of “keg” to coincide with state statute. Councilmember Masters commented that it is imperative to keep ordinance. Councilmember Laraway in agreement with Councilmember Masters. Councilmember Conway commented on why this ordinance is not necessary as it is so punitive to one group of the city only. The city has other ordinances, like Social Host, that addresses these issues. Councilmember Lewis commented that it was not designed to be punitive, it was designed to curb behavior. Councilmember Lewis does not feel it is appropriate to repeal at this point. Councilmember Masters commented in response to Councilmember Conway's concerns. Council President Goerger disagrees with Councilmember Conway, clarifying a couple items. Councilmember Laraway called to question. Motion on call to question passed 5-1 with Conway opposed. Motion to approve Option 1 passed 5-1 with Councilmember Conway opposed.

20. CONSIDERATION OF ORDINANCE AMENDING SECTION 457 OF THE 2007 CODE OF ORDINANCES FOR THE CITY OF ST. CLOUD ENTITLED – PAWNBROKERS

ACTION TAKEN: HONTOS/LARAWAY/APPROVED 6-0
ORDINANCE ADOPTED AND ASSIGNED 2803

City Attorney Renee Courtney introduced item. St. Cloud Police Department notified that current system to track pawn activity in city will be discontinued end of year. Current ordinance specifically references that system. Requested amendment to allow for broader ordinance to allow for city to use a different vendor. President Goerger inquired on if this will have an impact on existing pawnbrokers. Courtney commented that it does not as they will continue to send information to PD.

Council President Goerger opened Public Hearing. No one spoke. Council President Goerger closed Public Hearing.

It was moved by Councilmember Hontos, seconded by Councilmember Laraway to approve. No discussion. Motion unanimously passed. Ordinance adopted and assigned 2803.

- 21. ORDINANCE VACATING A 5-FOOT-WIDE DRAINAGE AND UTILITY EASEMENT LOCATED ON LOT 1, BLOCK 1, DEER CREEK CROSSING 6 (LOCATION: 2141 TAMARACK DRIVE)**
ACTION TAKEN: MASTERS/CONWAY/APPROVED 6-0
ORDINANCE ADOPTED AND ASSIGNED 2804

City Development Director Matt Glaesman introduced item. Applicants looking to expand property to west and requests vacation of utilities in the area.

Council President Goerger opened Public Hearing. No one spoke. Council President Goerger closed Public Hearing.

It was moved by Councilmember Hontos, seconded by Councilmember Laraway to approve. Councilmember Conway inquired on if the proposed drainage easement will affect property 3501. Glaesman commented that drainage will go south to the wetland and there will be no impact. No further discussion.

Motion unanimously passed. Ordinance adopted and assigned 2804.

OPEN DISCUSSION:

Councilmember Hontos requested that Council Rules of Order be included to the agenda for the Council Retreat in January. It was moved by Councilmember Hontos, seconded by Councilmember Lewis to add to Retreat. Motion unanimously approved.

Councilmember Lewis commented on Shopping News littering yards and streets. City Administrator Matthew Staehling commented that the Times is aware of the issue and will take individual requests for cancelation.

Mayor Kleis wished everyone a Merry Christmas and Happy New Year.

ADJOURNMENT:

It was moved by Councilmember Lewis, seconded by Councilmember Laraway to adjourn. Meeting adjourned at 7:16 PM.



Seth Kauffman, Recording Secretary



Jeff Goerger, Council President

OPEN FORUM:

John Smith, 120 4th Ave N, Sauk Rapids, Promise Neighborhood of Central MN - requesting support from council regarding his nonprofit. Kid programs for children living in poverty.

Nancy Dyson, 1945 N Benton Drive, Sauk Rapids - Non-profit for homelessness, urgent issues regarding sleeping outside. She cited the supreme court ruling on homelessness, regulations and encampments sleeping on sidewalks.

Kay Steiner, 1221 22nd St, Sartell – Comments on Sexual education in schools. Cited Little Falls comments for their activism against sexual education. I don't know how to write this down.